

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

Civil Action No. 04-12011-MLW

CARLOS A. AGUIAR,       )  
                    Plaintiff       )  
                                      )  
                    v.                )  
                                      )  
LIMA & CURA FISHING    )  
CORPORATION,            )  
                    Defendant    )

**DEFENDANT LIMA & CURA FISHING CORPORATION'S OPPOSITION  
TO THE PLAINTIFF'S MOTION TO STRIKE EXHIBIT "B" TO DEFENDANT'S  
MEMORANDUM IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Now comes the defendant, Lima & Cura Fishing Corporation (the "defendant") and hereby moves, pursuant to Federal Rule of Civil Procedure 56, that this Court deny the Plaintiff's Motion to Strike Exhibit B to the defendant's memorandum in support of its motion for summary judgment on the following grounds:

1. The plaintiff's recorded statement was taken on October 6, 2003 and was later transcribed into the "Transcribed Statement of Carlos Aguiar," Exhibit B of the Defendant's Motion for Summary Judgment (referred to as the "Plaintiff's Recorded Interview" and attached as **Exhibit B** to the defendant's original Motion for Summary Judgment);
2. The defendant is currently in possession of the original cassette tape of the plaintiff's statement;
3. The defendant will provide a copy of the cassette tape of the plaintiff's statement to the plaintiff and to the Court, along with a copy of the "Transcribed Statement of Carlos

Aguiar” to assist the Court in listening to the actual recording.

WHEREFORE, the defendant respectfully requests that this Court deny the plaintiff’s motion to strike Exhibit B of the defendant’s motion for summary judgment on the grounds that there is only one copy of the plaintiff’s statement.

For the Defendant,  
Lima & Cura Fishing Corporation  
By its attorneys,

**REGAN & KIELY LLP**

/s/ Joseph A. Regan  
Joseph A. Regan, Esquire (BBO #543504)  
85 Devonshire Street  
Boston, MA 02109  
(617)723-0901  
jar@regankiely.com

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed a true copy of the above document with the Clerk of the Court, which system will send notification of this filing to all counsel of record.

/s/ Joseph A. Regan  
Joseph A. Regan, Esquire (BBO #543504)  
Regan & Kiely LLP  
85 Devonshire Street  
Boston, MA 02109  
(617)723-0901

Date: February 22, 2006